

**FINANCE & ADMINISTRATION CABINET
OFFICE OF PROCUREMENT SERVICES
EFFECTIVE AUGUST 16, 2021**

Strategic Procurement Request (SPR1) for Competitive Exception Requests

When an exception to competitive solicitation is necessary, agencies may request approval from the Finance and Administration Cabinet, Office of Procurement Services.

Effective August 16, 2021, agencies shall submit exception requests by SPR1 in eMARS as described in this process document. Exception to competitive solicitation memos sent to ops.reporting@ky.gov are no longer necessary and will not be processed.

A SPR1 workflow chart is available on page 3 of this process.

1. The following chart specifies the Category and Sub Category code that are available on the SPR1. On the General Information tab of the SPR1, select the appropriate Category Code and Sub Category code that best describes your request. See definitions for Sole Source, Not Practical/Practicable to Bid and Emergency beginning on page 3 of this process.

Category Code	Category Code Name	Sub Category Code	Sub Category Name
0001	Architectural & Engineering	0001	Architectural & Engineering PSC Not Practical to Bid
0001	Architectural & Engineering	0002	A & E PSC Sole Source
0002	IT	0020	IT Hardware - NO BID (NEW)
0002	IT	0021	IT Maintenance - NO BID (NEW)
0002	IT	0022	IT Services - NO BID (NEW)
0002	IT	0023	IT Software - NO BID (NEW)
0003	Personal Service Contracts	0010	PSC - Start Date
0003	Personal Service Contracts	0011	PSC - Sole Source
0003	Personal Service Contracts	0012	PSC - Not Practical to Bid
0003	Personal Service Contracts	0031	PSC - NO BID Contract with Individual (NEW)
0009	Non-IT NO BID Requests	0025	Non-IT Not Practicable/Feasible (NEW)
0009	Non-IT NO BID Requests	0026	Non-IT Sole Source (NEW)
0009	Non-IT NO BID Requests	0027	Emergency Purchase Request (NEW)
0009	Non-IT NO BID Requests	0028	DECA Construction Not Practicable/Feasible (NEW)
0009	Non-IT NO BID Requests	0029	DECA Construction Sole Source (NEW)
0009	Non-IT NO BID Requests	0030	DECA Construction Emergency Purchase Request (NEW)

2. Complete the Document Name, Vendor Name, Amount, and Requestor fields on the General Information Tab.
3. On the Purpose & Justification tab, provide a brief description of the request.
4. Attach the Non-Competitive Request Form to the SPR1. Attached and available at <https://finance.ky.gov/services/eprocurement/Pages/ResourcesandSupport.aspx>
 - a. A Sole Source request must clearly and completely explain and substantiate:
 - i. The agency need of the item or service;
 - ii. The fact that the item or service is the only item that will meet the agency requirements. Note that while a vendor may be the sole manufacturer, distributor or authorized agent of the item or service, if there are competing items or services available, the item/service is not a sole source;
 - iii. Why the vendor was selected;
 - iv. The timeframe/duration covered by the request.
 - b. Attach written confirmation from the vendor demonstrating they are the sole manufacturer, sole distributor or sole authorized agent to the Sole Source SPR1 request.
 - c. A Not Practical/Practicable to Bid request must clearly and completely state:
 - i. Why the suggested vendor is the only vendor that offers an item or services that will satisfy the agency's requirements;
 - ii. Why alternatives are unacceptable;
 - iii. Why the vendor was selected;
 - iv. The timeframe/duration covered by the request.
 - d. An Emergency request must clearly and completely explain:
 - i. The nature of the emergency condition that created a threat or impending threat to public welfare or safety such as fire, flood, tornado, other natural or man-made disaster, epidemic, riot, enemy attack, sabotage, explosion, power failure, energy shortage, transportation emergency, equipment failure, or state or federal legislative mandate or similar event;
 - ii. Why the vendor was selected;
 - iii. The timeframe/duration covered by the request.

SPR1 Workflow

Category Code	Category Code Name	Sub Category Code	Sub Category Name	Workflow			
0001	Architectural & Engineering	0001	Architectural & Engineering PSC Not Practical to Bid	Agency >	DECA		
0001	Architectural & Engineering	0002	A & E PSC Sole Source	Agency >	DECA		
0002	IT	0003	IT Hardware	Agency >	COT >	COT CIO	
0002	IT	0004	IT Maintenance	Agency >	COT >	COT CIO	
0002	IT	0005	IT Services	Agency >	COT >	COT CIO	
0002	IT	0006	IT Software	Agency >	COT Software >	COT >	COT CIO
0002	IT	0007	IT Task Orders	Agency >	COT >	COT CIO >	
0002	IT	0020	IT Hardware - NO BID (NEW)	Agency >	COT >	COT CIO >	OPS
0002	IT	0021	IT Maintenance - NO BID (NEW)	Agency >	COT >	COT CIO >	OPS
0002	IT	0022	IT Services - NO BID (NEW)	Agency >	COT >	COT CIO >	OPS
0002	IT	0023	IT Software - NO BID (NEW)	Agency >	COT Software >	COT >	COT CIO > OPS
0003	Personal Service Contracts	0010	PSC - Start Date	Agency >	OPS		
0003	Personal Service Contracts	0011	PSC - Sole Source	Agency >	OPS		
0003	Personal Service Contracts	0012	PSC - Not Practical to Bid	Agency >	OPS		
0003	Personal Service Contracts	0017	PSC - Contract with Individual	Agency >	FAC LG >	PERS CAB >	
0003	Personal Service Contracts	0031	PSC - NO BID Contract with Individual (NEW)	Agency >	FAC LG >	PERS CAB >	OPS
0004	Postal	0008	Postal	Agency >	FIN Postal		
0005	Printing	0009	Printing	Agency >	KYTC Printing		
0006	Vehicles	0013	Vehicle Repairs and Parts	Agency >	Fleet		
0006	Vehicles	0014	Vehicles	Agency >	Fleet		
0007	Authorization for KYTC MA	0015	Construction Related Goods and Services	Agency >	DECA		
0007	Authorization for KYTC MA	0016	Other Goods and Services	Agency >	OPS		
0008	P3 Consultant	0018	Construction	Agency >	DECA		
0008	P3 Consultant	0019	Non-Construction	Agency >	OPS		
0009	Non-IT NO BID Requests	0025	Non-IT Not Practicable/Feasible (NEW)	Agency >	OPS		
0009	Non-IT NO BID Requests	0026	Non-IT Sole Source (NEW)	Agency >	OPS		
0009	Non-IT NO BID Requests	0027	Emergency Purchase Request (NEW)	Agency >	OPS		
0009	Non-IT NO BID Requests	0028	DECA Construction Not Practicable/Feasible (NEW)	Agency >	DECA		
0009	Non-IT NO BID Requests	0029	DECA Construction Sole Source (NEW)	Agency >	DECA		
0009	Non-IT NO BID Requests	0030	DECA Construction Emergency Purchase Request (NEW)	Agency >	DECA		

Definitions

SOLE SOURCE

A Sole Source procurement is exempt from competitive bidding if there is only one (1) known capable supplier of a commodity or service, brought about by the unique nature of the requirement, supplier, or market conditions. In addition to other possible purchasing needs, the following items have been specifically determined to be exempt from bidding provided the using agency supports the purchase by written justification clearly substantiating the fact that the sole source item is the only item that will meet the needs of the agency.

1. Instructional materials, equipment, supplies, or services
2. Patented equipment
3. Proprietary equipment and supplies
4. Equipment lease or rental, excluding passenger vehicles
5. Proprietary service and maintenance agreements
6. Dues and organizational fees
7. Computer software that is copyrighted and available from only one source
8. Other commodities, equipment and services available from only one source

If your purchasing need falls into one of the above categories, or may be a sole source procurement, buyers should refer to [FAP 111-10-00](#) for additional information, prior approval requirements and the appropriate process to follow to complete your purchase.

NOT PRACTICABLE OR FEASIBLE

OPS has determined that certain goods and services are not practicable or feasible for competitive bidding, and are therefore exempt from competitive bidding requirements.

1. Fresh meat, fresh dairy, fresh produce, fresh seafood and fresh eggs
2. Transcripts
3. Advertisements, public media, public displays, billboards, signage, and booths
4. Insurance and bonds under \$10,000
5. Equipment repair service and parts
6. Short-term equipment rental
7. Airfare, discount travel tickets
8. Supplies and equipment for laboratory or experimental studies
9. Vehicle motor fuel
10. Deaf interpreters
11. Foreign language interpreters
12. Other goods and services

For details of the specific categories and procedures for completing these purchases including prior approval requirements, refer to [FAP 111-09-00](#).

EMERGENCY PROCUREMENTS

In accordance with KRS 45A.095 (3), an emergency condition is a situation which creates a threat or impending threat to public health, welfare, or safety such as may arise by reason of fires, floods, tornadoes, other natural or man-caused disasters, epidemics, riots, enemy attack, sabotage, explosion, power failure, energy shortages, transportation emergencies, equipment failures, state or federal legislative mandates, or similar events.

The existence of the emergency condition creates an immediate and serious need for services, construction, or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten the functioning of government, the preservation or protection of property, or the health or safety of any person.

If your agency is faced with an emergency and needs to acquire good or services, buyers can refer to [FAP 111-39-00](#) for guidance as to how the agency may obtain required supplies or services while complying with the state laws and rules.